

TITLE 329 SOLID WASTE MANAGEMENT BOARD

IDEM'S SUGGESTED CHANGES TO THE PROPOSED RULE CONCERNING CLARIFICATIONS, CONSISTENCY CHANGES, AND ORGANIZATIONAL CHANGES TO SOLID WASTE PROCESSING FACILITIES REGULATED AT 329 IAC 11, INCLUDING TRANSFER STATIONS.

LSA DOCUMENT #06-70

Changes referenced are to the document that was preliminarily adopted on July 21, 2009:

1. 329 IAC 11-2-10.1 Add the word “**imminently**” before the words “**threaten human health**”.
2. 329 IAC 11-9-1 Revise as follows:

Sec. 1. (a) Unless excluded in 329 IAC 11-3, any person who constructs or operates a solid waste processing facility as defined under 329 IAC 11-2-43 shall have a solid waste processing facility permit under this article.

~~(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located also shall sign the application form acknowledging the land owner's responsibility in accordance with 329 IAC 11-11-4.~~

~~(c)~~ **(b)** In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall:

- (1)** notify the commissioner of the change within fifteen (15) days; and
- (2)** submit corrected information within a reasonable period of time.

~~(d) It is grounds to~~ **(c) The commissioner may deny a permit application, including a renewal permit, to any applicant if such or place additional conditions on a permit if the commissioner determines that one (1) or more of the following demonstrate the applicant's inability or unwillingness to process the solid waste under requirements of this article or a facility permit:**

- (1)** The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35. or if such

(2) The commissioner, under **IC 13-15-7**, has revoked the applicant's previous permit to operate under:

(A) this article; ~~or the previous articles;~~

(B) **329 IAC 1.5**, which was repealed in 1989; or

(C) **329 IAC 2**, which was repealed in 1996. ~~has been revoked by the commissioner under **IC 13-15-7-1**;~~

(3) The applicant is not in compliance with or has a history of one (1) or more violations of the environmental management laws, rules promulgated thereunder, or a permit issued thereunder.

(4) The applicant was, or is, the subject of one (1) or more administrative or judicial enforcement actions commenced under authority of **IC 13**.

*(Solid Waste Management Board; **329 IAC 11-9-1**; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: **20070523-IR-329070138BFA**)*

3. 329 IAC 11-13.5-6(a)(1) Delete the word “**either**” and the words “**or not in operation with waste stored on the floor in the facility building**”.
4. 329 IAC 11-13.5-6(b) Add the words “**when not in use**” after the words “**clean and litter free**”.
5. 329 IAC 11-13.5-13 “Delete “**IC 13-11-23.5(2)(6)**”.
6. 329 IAC 11-13-.5-15 Add after the words “**nationally recognized biohazard symbol**” the words “**, Unicode U+2623,**”.
7. 329 IAC 11-16-3 Change the words “**real estate**” to the words “**property of**”.